

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

JASPER WIRTSHAFTER, BENJAMIN ROBINSON,
MADELEINE MELDRUM, HEATHER AKOU, ANJALI
BISWAS, BRYCE GREENE,
DAVID McDONALD, MAUREEN MURPHY, SARAH
PHILLIPS, AND JESS TANG,

Plaintiffs,

v.

PAMELA WHITTEN, *in her individual and official capacity as
President of Indiana University*; BENJAMIN HUNTER, *in his
individual capacity as Associate Vice President and
Superintendent for Public Safety of Indiana University*; and
THE TRUSTEES OF INDIANA UNIVERSITY, *in their official
capacities,*

Defendants.

Case No. 1:24-cv-754-RLY-MJD

DECLARATION OF MARGO BENNETT

I, Margo Bennett, being a competent adult, affirm under penalties of perjury to the following facts of which I have personal knowledge.

1. My name is Margo Bennett. I serve as Indiana University Police Department (IUPD) Deputy Superintendent and Special Advisor.
2. As deputy superintendent, I am involved in comprehensive strategy, policy and practices for public safety across IU, including IUPD, which has more than 200 sworn officers across all IU campuses.
3. My career in law enforcement spans 45 years with more than 21 years in higher education policing having served for 10 years as the Chief of Police at the University of California Police Department in Berkeley, following more than a decade of service with the FBI beginning in 1981. At California Berkeley the university had over 45,000 students and a geographic location covering over 1200 acres in multiple jurisdictions. As Chief, I led our team in multiple high profile events including protests.

4. I received my Bachelor of Science in Sociology/Criminal Justice and my Master of Education in Counseling Psychology.
5. In my career spanning over 4 decades I have gained expertise in law enforcement, public safety, event management, and higher education in multiple service and leadership roles.
6. I have been involved with and am familiar with Indiana University policies on Expressive Activity.
7. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on university campuses.
8. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on open university campuses such as the multiple campuses within the Indiana University system across the State of Indiana.
9. Indiana University campuses, in particular the Bloomington campus, are very large and porous in terms of ability of persons to enter on to campus. Other Indiana University campuses, although not as geographically large as in Bloomington, are likewise porous in terms of ability of persons to enter undetected on to campus. All campuses within Indiana University have streets that are open to the public, and are not fenced or closed off from pedestrians.
10. There are unique challenges in promoting and ensuring public health, safety, and welfare during overnight hours on Indiana University campuses among a population that includes thousands of students, including tens of thousands of young adults and many minors. At the Bloomington campus there are almost 50,000 enrolled students.
11. Reduced activities during overnight hours on Indiana University campuses allows for staff, including law enforcement and event personnel, to be prepared for the next full day of activity, policing, and promotion of public health, safety, and welfare. This also allows the existing staff to focus resources on preventing harm to the public health, safety, and welfare instead of resources that overnight activities would consume.

12. There are significant challenges in recruiting, retaining, and deploying qualified and experienced personnel for service during overnight hours on Indiana University campuses to promote and ensure public health, safety, and welfare.
13. There is significant turnover locally and nationally in law enforcement personnel. Law enforcement agencies in higher education, including IUPD, face these challenges as well.
14. Most law enforcement and event personnel, including within IUPD, prefer to work day or evening shifts rather than overnight shifts.
15. Overnight law enforcement duties are often predominated by less tenured personnel with less training and experience. This is common in higher education law enforcement, including within IUPD.
16. There is a local and national shortage of qualified, trained, and experienced law enforcement personnel, with employers competing for a limited pool of candidates.
17. There are public safety, health, and welfare benefits of an overnight restriction on Indiana University campuses, including for instance allowing time for personnel to re-set and plan for the next day, and reducing the risk of individuals seeking to habitate on the campus.
18. It is more challenging to promote and ensure public health, safety, and welfare on campuses during overnight hours because of a multitude of factors, including darkness, closed facilities, and increased alcohol and substance abuse.
19. An overnight restriction on activities with preapproval standards enhances the promotion of public health, safety, and welfare by allowing law enforcement and event personnel time to plan for events with adequate staffing and resources.
20. Protests on an open residential university campus, particularly during overnight hours, present unique public health, safety, and welfare concerns, including: (a) crowd sizes are unpredictable including of individuals with no affiliation with the university; and (b) there is significant potential

for hostile actions among and between persons with differing views. There are many historical examples of such issues during protests, including in 2024 at Columbia and UCLA. *See, e.g.*, <https://www.nytimes.com/2024/04/30/us/campus-protests-colleges-columbia-photos.html>

Dated: February 26, 2025

Signed: /s/Margo Bennett
Margo Bennett